

21 October 2021

Planning Assessment Unit

To Whom It May Concern,

Police Development Application Referral Comments
D/2021/1541 – 20 Albert Street, Freshwater

DISCLAIMER

NSW Police Court and Legal Services have advised that police providing written crime prevention advice to the community (eg: Safer by Design Evaluations, SBD Executive Summaries, Security Audits etc) must include the following legal disclaimer:

NSW Police has a vital interest in ensuring the safety of members of the community and their property. By using recommendations contained within this document, any person who does so acknowledges that:

- It is not possible to make areas evaluated by NSW Police absolutely safe for the community and their property.*
- Recommendations are based upon information provided to, and observations made by NSW Police at the time the document was prepared.*
- The evaluation/report is a confidential document and is for use by the person/organisation referred to on page one.*
- The contents of this evaluation/report are not to be copied or circulated otherwise than for the purposes of the person/organisation referred to on page one.*

NSW Police hopes that by using the recommendations contained within this document, criminal activity will be reduced and the safety of members of the community and their property will be increased. However, it does not guarantee that all risks have been identified, or that the area evaluated will be free from criminal activity if its recommendations are followed.

Application Details:

Development Application Number: D/2021/1541

Address Details: 20 Albert Street, Freshwater

Venue Name: Alma Freshwater

Applicant: David Moody

Development Description: Change of Use - Use of premises as a restaurant

Case Officer: Senior Constable Anderton
Northern Beaches Police Area Command

Background/ Overview:

Description of Development: Change of Use - Use of premises as a restaurant. The applicant is proposing to operate the venue as a licensed restaurant. The applicant seeks trading hours of 11:30am – 12:00am Monday to Sunday and a capacity of 80 persons.

Documents Reviewed:

- Development Application Form
- Plan of Management
- BOCSAR Data
- The Alcohol Related Crime Information Exchange (**ARCIE**)

Assessment

Community Amenity:

ISSUE	COMMENT	Acceptable (Yes/No)
Pedestrian Traffic	Day hours – light/medium/congested Night hours - light/medium/congested	Yes
Available Transport options	Bus / Train / Ferry / Taxi / Light Rail	Yes
Surrounding late trading venues	Close proximity density – low / medium / high	Medium
Neighbourhood Amenity Impacts	low / medium / high	High
Noise potential Impacts	low / medium / high	Medium
Clustering of licensed premises	low / medium / high	Medium

Crime Prevention/Safety by Design:

ISSUE	COMMENT	Acceptable (Yes/No)
Site/Venue Risk Rating	Low / Moderate / High / Extreme	Moderate
Location Crime Rating	Low risk / Medium risk / High risk	Medium
Alcohol related assaults trend (last 12 months)	Reduced / Stable / Increased	Stable

Nature of business and vulnerability to crime	Low risk / Medium risk / High risk	Medium
Crime Prevention Through Environmental Design (CPTED)	Poor / Fair / Good	Fair
Transport Access Options	Poor / Fair / Good	Fair
External Access Visibility	Poor / Fair / Good	Fair
External Lighting	Poor / Fair / Good	Fair
Internal Layout	Poor / Fair / Good	Fair
Security measures	Poor / Fair / Good	Unknown
CCTV System	Poor / Fair / Good	Unknown

Liquor Licensing:

ISSUE	COMMENT
Saturation of Licensed Premises in Locality	Medium
Liquor licence Type	Suitable
Plan of Management	Fair
Patron capacity	Suitable

Recommendation

❖ The development application is not supported at this time because:

Inappropriate hours of operation

- The applicant seeks trading hours of 11:30am – 12:00am (midnight) Monday to Sunday. Due to the location and licence type, police submit that the trading hours of 11:30am to 10:00pm Monday to Sunday would be suitable.

❖ Should Council approve the application the following conditions are recommended:

Closed-circuit television (CCTV)

- The licensee must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements:
 - the system must record continuously from opening time until one hour after the premises is required to close (or, in the case of a premises that is not required to cease trading, continuously at all times),
 - recordings must be in digital format and at a minimum of six (6) frames per second,
 - any recorded image must specify the time and date of the recorded image,
 - the system's cameras must cover the following areas:
 - all entry and exit points on the premises,
 - the footpath immediately adjacent to the premises, and
 - all publicly accessible areas (other than toilets) within the premises.
- The licensee must also:

- keep all recordings made by the CCTV system for at least 30 days,
 - ensure that the CCTV system is accessible at all times the system is required to operate pursuant to clause 1(a), by at least one person able to access and fully operate the system, including downloading and producing recordings of CCTV footage, and
 - provide any recordings made by the system to a police officer or Liquor and Gaming NSW inspector within 24 hours of any request by the police officer or Liquor and Gaming NSW inspector to provide such recordings.
- Suitable and clearly visible signage shall be displayed at the principal entrance(s) to the premise, in lettering not less than 50mm in height with the words “Closed Circuit Television in use on these premises”. The same signage to be attached in a prominent position on the bulkhead on each respective level of the premises.
 - CCTV system shall be set up in staff only areas where customers cannot easily access and minimise tampering.

Plan of Management (POM)

- The premises is to be operated at all times in accordance with the Plan of Management dated <insert date> as may be varied from time to time after consultation with NSW Police. A copy of the Plan of Management is to be kept on the premises, and made available for inspection on the request of a police officer, council officer, Liquor and Gaming NSW inspector, or any other person authorised by the Independent Liquor and Gaming Authority.

Development Consent

- A copy of the relevant development consent is to be kept on the premises, and made available for inspection on the request of a police officer, council officer, Liquor & Gaming inspector, or any other person authorised by the Independent Liquor & Gaming Authority.

Social impact

- The business authorised by this licence must not operate with a greater overall level of social impact on the well-being of the local and broader community than what could reasonably be expected from the information contained in the Community Impact Statement, application and other information submitted in the process of obtaining the licence.

Incident Register

- The licensee is to maintain an approved Incident Register with incidents and details of the action taken, to be recorded in the Incident Register at all times.

Neighbourhood Amenity

- The licensee must ensure that:
 - Patrons do not crowd or loiter in the vicinity of the premises in such manner that pedestrian movement is obstructed or hindered.
 - The manner in which the business of the premises is conducted, and the behaviour of persons entering and leaving the premises, do not cause undue disturbance to the amenity of the neighbourhood. In this regard, the licensee is responsible for the control of noise and litter generated by persons, and by the operation of the premises. If so directed by Council, the licensee must employ private security staff to ensure that this condition is complied with.

- The licensee must record in a register full details of any disturbance complaints made by a person to the licensee, management or staff in respect to the manner in which the business of the premises is conducted, or the behaviour of persons entering or leaving the premises. Such recording must include time, date, nature of the complaint and, if provided, any details of the complainant.
- The licensee must respond to any disturbance complaints in a timely and effective manner. All actions undertaken by the licensee, management and staff to resolve such complaints must be recorded in the register.
- The Licensed Premises are not to be themed or operated as a Nightclub. No DJ styled booth, no disco lighting systems and no dance floor area are to be utilised at any time in the premises.

Service of Alcohol

- The licensee must ensure that all liquor sold or supplied at the licensed premises is opened by staff at the point of sale.
- The licensee must cause drinking vessels, including cans and bottles, in which liquor has been served to be cleared from tables, seats and floors, within a reasonable time, after patrons vacate these areas.
- The Manager/Licensee shall ensure that all patrons who are drinking shall be seated at a designated table.
- No drinks commonly referred to as shots, shooters, slammers, and/or bombs are to be sold or supplied at the premises.

SIGNAGE

- Provide a clear, unobstructed street number and business name signage.
- Signs must be erected to alert patrons that CCTV is in operation and to indicate “staff only” areas.
- No flashing signage visible from the public way shall be installed.

CARE OF BUILDING SURROUNDS

- In addition to Council’s daily street sweeping and cleansing operations, the owner/manager of the business shall ensure that surrounds of the shopfront including pavements and gutters are to be kept clean and free of litter associated with the operation of the business at all times. Regular morning, noon, afternoon, evening and night time litter patrols shall be undertaken.

LIGHTING

- Adequate lighting must be provided to all entrances and exits of the premises, to ensure the safety of all staff and visitors as they arrive, use and leave the premises.

SPRUIKERS

- No Spruikers are permitted to be seen to operate in association with the business.

Yours sincerely

Matthew Anderton

Senior Constable Anderton

Licensing officer

Northern Beaches Police Area Command

Date: 21/10/2021